

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JARVIS R. BURNS, JR.,)	
Plaintiffs,)	
)	C.A. No. 22-335 Erie
)	
v.)	District Judge Susan Paradise Baxter
)	Magistrate Judge Richard A. Lanzillo
AMERIFINANCIAL SOLUTIONS, et al.,)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff Jarvis R. Burns, Jr., an inmate incarcerated at the Federal Correctional Institution art McKean in Bradford, Pennsylvania (“FCI-McKean”), initiated this action in the Court of Common Pleas of Erie County, Pennsylvania, by filing a *pro se* complaint against Defendants Amerifinancial Solutions, Kay Jewelers, and Nationwide Recovery Systems (“Nationwide”). The action was subsequently removed to this Court pursuant to a Notice of Removal dated November 2, 2022. [ECF No. 1]. This matter was referred to Chief United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

Upon review of the docket, Judge Lanzillo noted that Defendant Nationwide was never properly served by Plaintiff. Consequently, Judge Lanzillo issued an order on June 1, 2023, ordering Plaintiff to effectuate service upon Defendant Nationwide on or before June 16, 2023. [ECF No. 10]. This Order warned that Plaintiff’s failure to comply would result in dismissal of Defendant Nationwide for failure to serve pursuant to Fed. R. Civ. P. 4(m). When Plaintiff failed to comply with this Order, Judge Lanzillo issued a show cause order on October 11, 2023, again

advising Plaintiff that his continued failure to submit service papers would result in dismissal of Defendant Nationwide. [ECF No. 11]. After Plaintiff failed to respond to this show cause order, Judge Lanzillo issued Plaintiff a final show cause order on November 16, 2023, that again warned them of Defendant Nationwide's possible dismissal if Plaintiff failed to respond by November 30, 2023. [ECF No. 12]. Once again, Plaintiff failed to comply and Defendant Nationwide remains unserved.

As a result, on December 20, 2023, Judge Lanzillo issued a Magistrate Judge's Report and Recommendation ("R&R") recommending that Plaintiff's claims against Defendant Nationwide be dismissed without prejudice and that Defendant Nationwide be terminated from this action [ECF No. 13]. No timely objections to the R&R have been filed.

Thus, after *de novo* review of the complaint and documents in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 6th day of February, 2024;

IT IS HEREBY ORDERED that all of Plaintiff's claims against Defendant Nationwide are DISMISSED, without prejudice, for Plaintiff's failure to properly serve said Defendant in accordance with Rule 4(m) of the Federal Rules of Civil Procedure, and the Clerk is directed to terminate Defendant Nationwide from this case. The report and recommendation of Chief Magistrate Judge Lanzillo, issued December 20, 2023 [ECF No. 13], is adopted as the opinion of

the court.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
Chief U.S. Magistrate Judge

all parties of record